

DECLARATION
and POWER OF ATTORNEY

☒ ORIGINAL
☐ CONTINUATION
☐ DIVISIONAL



I, the named inventor, declare that the information given herein is true, that I believe that I am the original, first and sole inventor if only one name is listed, or a joint inventor if plural inventors are named below at 1-4, of the invention entitled:

IMMUNOREACTIVE PEPTIDES FROM EPSTEIN-BARR VIRUS

is described and claimed in:

☐ the attached specification or

☒ the specification in application Serial No. 08/392,934 filed September 15, 1993

☐ as amended on _____

(if applicable)

(for declaration not accompanying application)

and for which a patent is sought, and that my residence, post office address and citizenship are as stated below next to my name. I acknowledge my duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

COUNTRY	APPLICATION NUMBER	DATE OF FILING Month Day Year	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

(Application Serial No.) _____ (Filing Date) _____ (Status) _____

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or Agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.
STUART LUBITZ, Reg. No. 20,680; RICHARD H. ZAITLEN, Reg. No. 27,248; ALEX CHARTOVE, Reg. No. 31,942; DAVID M. SIMON, Reg. No. 32,756; JAY M. FINKELSTEIN, Reg. No. 21,082; ROGER R. WISE, Reg. No. 31,204; WILLIAM K. KONRAD, Reg. No. 28,868; LOUIS A. MOK, Reg. No. 22,585; JOHN P. SCHERLACHER, Reg. No. 23,009; GARY D. MANN, Reg. No. 34,867; DON F. LIVORNESE, Reg. No. 32,040; TED R. RITTMASER, Reg. No. 32,933; PAUL H. KOVELMAN, Reg. No. 35,228; WILLIAM H. WRIGHT, Reg. No. 36,312; PAUL G. NAGY, Reg. No. 37,896; MARGARET KIVINSKI, Reg. No. 38,517; SAMUEL L. ALBERSTADT, Reg. No. 32,766; HIDEO KODA, Reg. No. 27,729, and WEI-NING YANG, Reg. No. 38,690

Send correspondence to:

LOEB AND LOEB
1880 Century Park East, Fifth Floor
Los Angeles, California 90067

DIRECT TELEPHONE CALLS TO:

WEI-NING YANG
(310) 553-5050

(Please Print)

1	Name of Inventor	LAST NAME <u>SMITH</u>	FIRST NAME <u>RICHARD</u>	MIDDLE NAME <u>S</u>	Residence: CITY <u>Del Mar</u>	STATE or COUNTRY <u>California CA</u>
	Post Office Address <u>17490 Via Donada, Del Mar, CA 92014</u>					CITIZENSHIP <u>USA</u>
2	Name of Inventor	LAST NAME <u>PEARSON</u>	FIRST NAME <u>GARY</u>	MIDDLE NAME <u>R</u>	Residence: CITY <u>Great Falls</u>	STATE or COUNTRY <u>Virginia VA</u>
	Post Office Address <u>1124 Trotting Horse Lane, Great Falls, VA</u>					CITIZENSHIP <u>USA</u>
3	Name of Inventor	LAST NAME <u>PARKS</u>	FIRST NAME <u>D</u>	MIDDLE NAME <u>ELLIOT</u>	Residence: CITY <u>Del Mar</u>	STATE or COUNTRY <u>California CA</u>
	Post Office Address <u>8-0 Kalamath Dr., Del Mar, CA 92014</u>					CITIZENSHIP <u>USA</u>
4	Name of Inventor	LAST NAME <u>VARGHESE</u>	FIRST NAME <u>SUSAN</u>	MIDDLE NAME <u>POTHEN</u>	Residence: CITY <u>Centerville</u>	STATE or COUNTRY <u>Virginia VA</u>
	Post Office Address <u>14637 Stream Pond Dr., Centerville, CA 22020</u>					CITIZENSHIP <u>INDIA</u>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 1 <u>[Signature]</u>	SIGNATURE OF INVENTOR 2 <u>[Signature]</u>
DATE <u>Oct 19, 1995</u>	DATE <u>Oct 16, 1995</u>
SIGNATURE OF INVENTOR 3 <u>[Signature]</u>	SIGNATURE OF INVENTOR 4 <u>[Signature]</u>
DATE <u>Oct 19, 1995</u>	DATE <u>Oct 17, 95</u>



27 Rec'd FCT/PCT 26 DEC 1995

PATENT
7586D3033

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
SMITH, et al)
Serial No: 08/392,934)
Filed: September 15, 1993)
For: IMMUNOREACTIVE PEPTIDES FROM)
EPSTEIN-BARR VIRUS)
_____)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington D.C. 20231, on

December 20, 1995
Date of Deposit

Wei-ning Yang
Name

[Signature] 12/20/95
Signature Date

VERIFIED STATEMENT OF FACTS

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

We, the originally named co-inventors for the above-referenced application have recognized that Dr. Susan Pothan Varghese contributed to certain embodiments of the invention. As shall be shown below, the omission of Dr. Varghese as a named co-inventor in the originally filed application was inadvertent and without deceptive intent; and due diligence has been made to correct the inventorship.

The omission was an error without deceptive intent. The present application was filed with PCT on September 15, 1993. The PCT application named only us, Smith S. Richard, Gary R. Pearson, D. Elliot Parks as inventors. The error without deceptive intent occurred, because, at the time of filing, we believed that all of the inventive

subject matter was conceived through our (the originally named co-inventors') cooperative efforts. At the time of filing, Susan Varghese was a Ph.D. student working under the supervision of the inventor Gary Pearson. Because she worked under his direction and much of her contribution were made under his guidance, we did not then recognize that Dr. Varghese had made contributions to certain embodiments of the invention. It was only when Susan Varghese completed her Ph.D. dissertation in 1994 that Gary Pearson became concerned that Susan Varghese might have made certain contributions to the invention. To ascertain her role, in August 1994, Gary Pearson diligently sent a copy of Susan Varghese's Ph.D. dissertation to Dr. John Wetherell, the attorney of record at the time, for determining the inventorship. Inspection of the dissertation revealed that Susan Varghese was a co-inventor of the above identified invention.


Once we recognized that Dr. Varghese should be named as a co-inventor, we have tried diligently to correct the inventorship. On November 29, 1994, right after we discovered the error, we promptly and diligently filed a Request for Addition of Inventor with the International Bureau of the World Intellectual Property Organization. However, the request was rejected on December 2, 1994 for the reason that the time limit for making such a change was expired. Because of this rejection, the application still only named Smith S. Richard, Gary R. Pearson, D. Elliot Parks as inventors when it entered the national stage in the United States on March 2, 1995.

It is, therefore, respectfully submitted that the omission of Dr. Varghese as a named inventor in the originally filed application was inadvertent and without deceptive


intent. the PCT file record shows that we diligently tried to correct the inventorship, once the error was found. In light of these facts, we request that the name of Susan Varghese be added to the present application as a co-inventor, based on the facts set forth above.

We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed by us to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of title 18 of the United States Code.

Dated: October ^{✓✓}19, 1995


Richard S. Smith

Dated: October [✓]16, 1995


Gary R. Pearson

Dated: October [✓]19, 1995


D. Elliot Parks

27 Rec'd FCI/PTL 26 DEC 1995



PATENT
7586D3033

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
)
SMITH, et al)
)
Serial No: 08/392,934)
)
Filed: September 15, 1993)
)
For: IMMUNOREACTIVE PEPTIDES FROM)
EPSTEIN-BARR VIRUS)
_____)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington D.C. 20231, on

December 20, 1995
Date of Deposit

Wei-ning Yang
Name

[Signature] 12/20/95
Signature Date

**ASSENT OF ASSIGNEE TO ADDITION TO
ORIGINALLY NAMED INVENTORS**

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

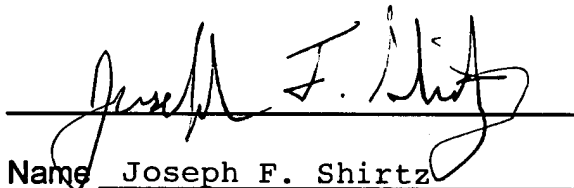
ORTHO DIAGNOSTIC SYSTEMS, INC., of 1001 U.S. Route 202, Raritan, New Jersey 08869 and GEORGETOWN UNIVERSITY, of 37th and O Streets, NW, Washington, D.C., 20057, each having an undivided one-half interest in the above identified application, the assignment being recorded herewith attached to a separate "Assignment" cover sheet, hereby assents to the correction of inventorship filed herewith.

ORTHO DIAGNOSTIC SYSTEMS, INC., and GEORGETOWN UNIVERSITY
state that to the best of their knowledge and belief, title to the above identified invention

and application resides in the herein named assignees, and that the evidentiary document supporting this knowledge and belief, as required by 37 CFR 3.37(b), is an executed Assignment document, said document being filed for recordation concurrently herewith.

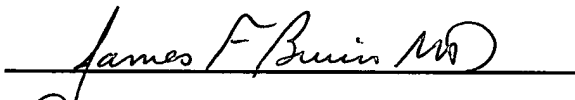
ORTHO DIAGNOSTIC SYSTEMS, INC.

November
Dated: ~~October~~ 29, 1995


Name Joseph F. Shirtz
Title Assistant Secretary

GEORGETOWN UNIVERSITY

Dated: October 17, 1995


Name James F. Burris, MD
Title Associate Dean, Research Operations